

**BEFORE THE LOK ADALAT,
PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH**

542 FAO-8480-2015 (O&M)

**SEEMA & OTHERS
VS
PAWAN KUMAR & OTHERS**

Present: Mr. S.K. Verma, Advocate
 for the appellants.

 Ms. Swati Batra, Advocate
 for respondent No.3-Insurance Company.

(Through Video Conferencing)

CM-26721-CII-2015

 This is an application for seeking exemption from filing certified copy of award dated 01.03.2012.

 For the reasons stated in the application, the same is allowed as prayed for.

CM-26722-CII-2015

 This is an application for condonation of delay of 1239 days in filing the present appeal.

 For the reasons stated in the application, which is duly supported by an affidavit, the delay of 1239 days in filing the present appeal is condoned.

 Application stands disposed of.

Main case

 This is an appeal filed by the appellants-claimants for enhancement while seeking modification of the award dated 01.03.2012 vide which the learned Motor Accident Claims Tribunal, Jind has awarded an amount of **Rs.4,70,800/-** alongwith interest @ 9% per annum from the date of

filing of the claim petition till realisation of the amount so awarded.

It has been brought to the notice of this Court that the matter has been compromised. The statement of Mr. Nigam K. Bhardwaj, Advocate for respondent No.3-Insurance Company has been recorded. The same is reproduced herein below:-

*“Statement of Sh. Suryadeep Singh Thakur, Advocate/Dy.Manager,/ Manager/authorized representative of **Reliance General Insurance Company Ltd.** & Nigam K. Bhardwaj, Advocate*

*I/we agree on behalf of the respondent-company for full and final settlement of compensation at **Rs.7,75,000/-** (Seven Lakh Seventy Five Thousand), over and above the amount of **Rs.4,70,800/-** already awarded by the MACT with an undertaking to pay/deposit the same as per the orders that may be passed by the Lok Adalats (Daily/Bimonthly/National) Benches, failing which interest at the rate 9% per annum shall follow from the date of the settlement before the Hon'ble Bench
Name, Mobile No. Enrolment No. and e-mail I.D. Of Claimant's Advocate is, S.K Verma-9417474945.*

Note:- Please tick the appropriate option

(a) Whether consent of counsel for the claimant/appellant have been obtained:- Yes

(b) Whether settled/non settled/want more time: Settled.

RO/AC

Signatures:- Sd/- Suryadeep Singh Thakur

Name of the Officer with Mobile Number and e-mail ID:R.S.

Place: Chandigarh

Dated:_____”

The statement of Mr. S.K. Verma, Advocate appearing for the appellants/claimants has already been recorded, which is reproduced herein below:-

“Statement of Sh. S.K. Verma, Advocate, learned counsel for the applicant(s)/appellant(s)/claimant(s).

On the instructions of my client(s), I am prepared to accept Rs.7,75,000/- (Rupees Seven Lakh Seventy five Thousand only), over and above the amount already awarded by the MACT.

This would be in full and final satisfaction of the claim of the appellant(s) in the appeal.

The aforementioned amount may be paid to appellant Nos.1 to 3 & 4, 5 in proportion as already awarded by the MACT.

RO & AC

Signatures: Sd/-S.K. Verma, Adv.

Place: Chandigarh

Dated:14.08.2021”

A perusal of the above statements would show that the claimants as well as the Insurance Company have compromised the matter by stating that a compensation of **Rs.7,75,000/-** over and above the amount already awarded by the learned Motor Accident Claims Tribunal, Jind will be paid by the Insurance Company to the appellant/claimant.

Counsel appearing for respondent No.3-Insurance Company has further stated that the said amount would be paid by the Insurance Company to the appellants within a period of 4 weeks from today, failing which the interest @ 9% p.a. shall follow from the date of the settlement before the Lok Adalat till the date of payment.

Insurance Company has further stated that a cheque amounting to **Rs.7,75,000/-** in the name of appellants, will be deposited with the office of the Lok Adalat of the Hon'ble High Court on or before 13.09.2021, failing which the interest @ 9% p.a. shall follow at this amount till the payment from the date of this order.

In view of the above, we are of the opinion that the compromise is genuine and *bona fide* and in the best interest of the claimant as well as all the parties concerned.

Accordingly, the appeal is disposed of as having been compromised and the compromise shall be treated as part and parcel of the award, and the order of the learned Motor Accident Claims Tribunal, Jind, stands modified in terms of the said compromise. The parties will be bound by the said compromise.

The concerned officer of the Lok Adalat Branch/Office shall issue proper receipt after receiving the Cheque/Demand Draft to learned counsel/representative of the respondent-Insurance Company. The appellant(s)/counsel for appellant(s) may collect the cheque from the office of the Lok Adalat.

All the pending miscellaneous application, if any, shall also stands disposed of, in view of the above-said order.

(VIKAS BAHL)
PRESIDENT

(JAGMOHAN BANSAL)
MEMBER

August 14, 2021.
Jitesh (JTS)